

A Special Meeting of the  
Brian Head Town Council  
acting as the governing body of the  
Brian Head Redevelopment Agency  
Town Hall - 56 North Highway 143  
Brian Head, UT 84719  
**THURSDAY JULY 16, 2015\_@ 1:00 PM**

**Roll Call.**

**Members Present:** Mayor Pro Tem Jim Ortler, Council Member Larry Freeberg, Council Member Clayton Calloway, Mayor Deutschlander (by telephone)

**Members Absent:** Council Member Reece Wilson.

**Staff Present:** Bret Howser, Nancy Leigh

**A. CALL TO ORDER**

Mayor Pro Tem Ortler called the special meeting of the Brian Head Town Council to order at 1:00 pm.

**B. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Ortler led the Council and others in the Pledge of Allegiance.

**C. DISCLOSURES**

There were no conflicts of interest with today's agenda items. Mayor Pro Tem Ortler stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

**D. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**

**Council Member Calloway**

1. The 4<sup>th</sup> of July events were a great success and complemented the staff on their efforts in making the events a success.
2. Encouraged the Council to consider parking as a project for the town in the near future.
3. Addressed the need to finish the landscaping at Bristlecone Pond area.

**Council Member Freeberg** agreed with Council Member Calloway on identifying parking as a project for the town. Council Member Freeberg commented that during the 4<sup>th</sup> of July weekend the town and resort were successful in controlling the parking with the large crowds and believes next 4<sup>th</sup> of July will bring in more people than this year.

**Council Member Ortler**

1. Next year's 4<sup>th</sup> of July will fall on Monday and the town may not have the large crowds as this year did. Council Member Ortler commented he believes there were more people in Brian Head during the 4<sup>th</sup> of July than any time in the town's history.
2. Complemented staff on the Redevelopment Agency draft inter-local agreement presented to the Iron County Commissioners. The Commissioners may be renewing the agreement with the proposed changes.

**Bret Howser, Town Manager**

1. Updated the Council on the status with the inter-local agreement with the Brian Head Redevelopment Agency. Bret reported staff has met with the Iron County Commission and one addition to the project list was parking. Bret congratulated Jonah Humes, Management Interim, who drafted the agreement.
2. The Business Technical Advisory Committee has been created and will be meeting next week. They will be reviewing the town's Economic Development Plan along with the town strategies and action steps.

**Tom Stratton, Public Works Director**, reported Utah Department of Transportation (UDOT) will begin paving highway 143 on August 27<sup>th</sup> and have reported the project will be completed within 70 days.

## **E. AGENDA ITEMS:**

### **1. PUBLIC HEARING: FISCAL YEAR 2016 BUDGET AMENDMENTS FOR BRIAN HEAD TOWN AND BRIAN HEAD REDEVELOPMENT AGENCY.** Public comment on a proposed budget amendment for the Brian Head Town budget and the Brian Head Redevelopment Agency Budget year ending June 30, 2016.

Mayor Pro Tem Ortler opened the public hearing to receive public comment on a proposed amendment to the fiscal year 2016 Town budget at 1:20 p.m.

No comments were received from the public. Mayor Pro Tem Ortler closed the public hearing for the amendment to the fiscal year 2016 Town Budget at 1:21 pm.

### **2. AMENDED TOWN BUDGET ORDINANCE.** An ordinance amending the fiscal year 2016 town budget.

Bret Howser, Town Manager, presented an ordinance amending the fiscal year 2016 town budget. Bret explained the budget adjustment is identified on GL# 4100.710: land purchase in the amount of \$120,000 and in GL# 3890: Fund Balance Appropriated from \$275,000 to \$185,400 (see attached). Both of these changes are identified in the Capital Project Fund.

**Motion:** Council Member Calloway moved to adopt Ordinance No. 15-011, an amendment to the fiscal year 2016 Brian Head Town budget as presented. Council Member Freeberg seconded the motion.

Mayor Deutschlander joined the meeting by telephone at 1:25 pm.

The Council held discussion on the following:

- a) The budget adjustment addresses two projects: the purchase of two lots in the Town Meadow area for \$120,000 and the repair of highway 143 / reservoir area in the amount of \$120,000.
- b) Bret reported the Community Impact Board (CIB) bond for the pond project has approximately \$80,000 remaining which could be used towards the highway.
- c) The general fund also has a surplus from fiscal year 2015 which could be used to transfer to the capital project funds.
- d) The Redevelopment Agency (RDA) has funds available to improve the road if needed.
- e) The pond area also needs to be re-vegetated. If the town chose to use sod, the cost could be as high as \$165,000 for the entire area.
- f) Council Member Freeberg suggested the town supplement the ground before any landscaping takes place.
- g) Tom Stratton, Public Works Director, reported the clay area needs some type of organic material to nourish the ground along with identifying water to the area until the area is established.
- h) Tom reported he will be meeting with Misty Palmer from JP Landscaping to get some options on landscaping the area.

**Action:** **Motion carried 3-0-1 (summary: Yes = 3 Abstain = 1 Vote: Yes:** Mayor Pro Tem Ortler, Council Member Calloway, Council Member Freeberg. **Abstained:** Mayor Deutschlander).

**3. REDEVELOPMENT AGENCY AMENDED BUDGET RESOLUTION.** A resolution amending the Fiscal Year 2016 Redevelopment Agency Budget.

Bret Howser, Town Manager, presented a resolution amending the Redevelopment Agency Budget for fiscal year 2016 for the following change: GL#3890 (Fund Balance Appropriated) from -0- to \$4,836 and GL# 4620.610 (Redevelopment Activities) from \$26,500 to \$165,000 and GL# 4890 (Budgeted increase in fund balance) from \$135,164 to -0- (see attached).

**Motion:** Board Member Calloway moved to adopt Resolution No. RDA-021, a resolution amending the fiscal year 2016 Redevelopment Agency budget as presented. Board Member Freeberg seconded the motion.  
**Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Board Member Calloway, Board Member Freeberg, Mayor Pro Tem Ortler, Mayor Deutschlander).

**4. PURCHASE OF REAL PROPERTY.** Real property purchase approval.

Bret Howser, Town Manager, reported the town has been negotiating a purchase agreement with the owners of Lots 1 and 2, Block G in the Brian Head Unit 2 subdivision. Staff has received the real estate purchase contract (see attached) and requested the Council authorize the purchase of the two properties.

**Motion:** Council Member Ortler moved to approve the purchase of lots 1 & 2, Block G of the Brian Head Unit 2 subdivision in the amount of \$120,000. Mayor Deutschlander seconded the motion.

Discussion on held on the following:

1. Council Member Freeberg expressed his concerns of spending \$120,000 of taxpayer money when he believes there are other priority items which should be addressed. Council Member Freeberg went on to comment that another one of his concerns is that the public has not been involved in the purchase of the properties.
2. Council Member Ortler commented the public does have some knowledge since the town is required to agenda a closed session which identifies a general category of the sales, lease or purchase of real property, but the negotiations were held in closed session in which the public was not privy to.
3. Council Member Freeberg suggested the Council delay until the results of the meadow preservation survey are received and reviewed by the Council.
4. Council Member Calloway commented he believes the town has negotiated a good price for the properties and is a smart investment for the town.
5. Bret reported the tentative closing date is August 11, 2015 which is the same date as the Council meeting which will be discussing the meadow preservation survey.
6. Bret explained that owning the two lots would give the town the ability to be consistent with open space and would allow the town to have more control in the meadow.
7. The two lots are currently zoned as commercial.
8. Mayor Deutschlander commented he believes it is a good opportunity for the town to purchase the properties since the town has negotiated a good price.

**Action:** **Motion carried 3-1-0 (summary: Yes = 3, No = 1, Abstain = Vote: Yes:** Council Member Calloway, Council Member Ortler. Mayor Deutschlander. **No:** Council Member Freeberg. **Absent:** Council Member Wilson).

Mayor Deutschlander was excused at 1:50 pm.

**F. TOWN COUNCIL WORK SESSION - LAND MANAGEMENT CODE REVIEW:**

The Council reviewed the Land Management Code (LMC) with the following changes:

**Chapter 11 – Flexible Approaches**

1. **9-11-2-C-1-a: Conditional Use Permits.** Bret explained staff has drafted some language as directed by the Council during the last work session. **Second sentence to read:** *"The application shall make clear whether the applicant is a business or individual leasing the property or whether the applicant is*

- the owner of the property. In the event the applicant is a lessee or tenant of the property, the application.....”
2. Bret explained the Conditional Use Permit (CUP) will expire after the business closes after three months.
  3. Council Member Calloway stated the Conditional Use Permit (CUP) process needs to take into consideration those businesses which operate on a seasonal basis. Bret responded that unless a seasonal operation is defined in the CUP, then a succession of no longer than three months is allowed.
  4. Council Member Ortler explained that businesses such as snow removal services do not operate during the summer season and requested the language be re-worded.
  5. **9-11-2-E: Transferability: Change to read:** *“Transferability: If the conditional use permit was requested by and granted to the owner of the underlying property, the conditional use permit is transferable with the title to the underlying property. If the permit was requested by and granted to a lessee or tenant of the underlying property, the permit is only transferrable to a new lessee following a review by the Planning Commission. Upon this transfer review, the Planning Commission may alter the conditions of the permit based on the specific circumstances of the new lessee or tenant. The permit cannot be transferred off the site on which approval was granted”.*
  6. **9-11-2-F: Time Limit: Change to read:** *“Time Limit: The approval for the use shall expire unless the conditional use begins within a period of twelve (12) months from the date of conditional use approval. Any cessation in conditional use granted to a lessee or tenant for a period of more than twelve (12) months shall result in the expiration of the permit. Any cessation in conditional use granted to a property owner for a period of more than twelve (12) months shall result in the expiration of the permit”.*

## Chapter 12 – Design Standards

### 1. 9-12-7: Buildings – Accessory Structures

- a) 9-12-7-j: Accessory Structures: Council Member Ortler expressed his concerns regarding the allowance of a 3,000 square foot accessory building and whether the size of the structure should be reduced.
- b) Council Member Calloway requested clarification of what is habitable and non-habitable.
- c) Bret reported that accessory structures would still need to meet the design standards of the town no matter the size of the structure.
- d) **9-12-7-j: Accessory Structures: CHANGE TO READ:** *“A non-habitable structure, subordinate to and located on the same lot with a primary structure, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main structure. In addition to meeting requirements A through H of this Section, accessory structures must meet the following requirements:*
  1. *Must be detached from the primary structure and have a minimum of 10 feet clearance from other structures.*
  2. *Cannot be used as habitable space.*
  3. *Structure cannot be located within the setback (notwithstanding, setback exceptions that apply to the primary structure as out lined in Chapter 7 of this title, in the applicable zone, also apply to accessory structures).*
  4. *Must meet snow load requirements*
  5. *Required to have footings or foundation for accessory structures over 450 square feet.*
  6. *Structures being used as a garage for vehicle storage must meet all applicable International Building Code requirements.*
  7. *No more than three (3) accessory structures are allowed on a single lot of up to one (1) acre. Additional accessory structures may be allowed on lots larger than one acre, not to exceed two (2) accessory structures per acre.*
  8. *Except for a building accessory to an agricultural use, the footprint of an accessory structure must not exceed 50 percent (50%) of the footprint of the primary structure. In no case shall an accessory structure exceed 3,000 square feet in footprint.*
  9. *Maximum height of accessory structures in limited by the area of the structure as follows:*
    - i. *0-200 square feet, 12 feet maximum height.*
    - ii. *201 – 400 square feet, 16 feet maximum height.*
    - iii. *401 – 1,000 square feet, 19 feet maximum height.*
    - iv. *1,001 to 1,500 square feet, 25 feet maximum height.*

- v. 1,501 square feet and above maximum height determined by Planning Commission review, but shall in no case exceed 30 feet.

**2. 9-12-8 – Construction Debris Removal**

Council Member Freeberg commented there were incidents in which people cleared their lots prior to a building permit being issued and believes that a building permit should first be issued.

- 3. 9-12-9 - Street Names: ADD: d.** *“All street names must be coordinated with the appropriate county official”.*

- 4. 9-12-11-B-3:** Council Member Calloway stated that a clarification needs to be identified in the sentence “measured face to face”. Bret responded it is measured face to face at the same elevation.

- 5. 9-12-15-G-2-4 – Parking – Screening:** Council Member Calloway stated his concerns regarding the feasibility of requiring a buffer.

Staff will update Chapter 12, Design Standards for a final draft to be presented for Council's approval.

**G. ADJOURNMENT**

**Motion:** Council Member Calloway moved to adjourn the meeting of the Brian Head Town Council for July 16, 2015. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler).

The meeting of the Brian Head Town Council was adjourned at 3:25 pm for July 16, 2015.

August 25, 2015

Date Approved

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Nancy Leigh, Town Clerk